

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and following remarks, is respectfully requested.

Claims 1-2, 4-12, and 14-20 are pending in this application. Claims 1-2, 6-7, 10-12, 16-17 and 20 are amended, support for which is found in the originally filed disclosure, including the original claims, the drawings at least in Figs. 48A and 48B and the specification at least in the sections describing Figs. 48A-48B, e.g., section 10. No new matter has been added.

In the outstanding Office Action, Claims 1, 2, 4-6, 8-12, 14-16 and 18-20 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. 2001/0032088 (Utsumi), U.S. 6,512,722 (Kumagai) and U.S. 2003/0005454 (Rodriguez) in view of U.S. 6,288,862 (Baron); and Claims 7 and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Utsumi, Kumagai, Rodriguez and Baron in view of U.S. 2002/0161571 (Matsushima).

A personal interview was conducted with Examiner Schwartz on May 3, 2010, to discuss the claimed invention and the outstanding Office Action. Applicant thanks the Examiner for his time and comments. At the interview, the Examiner indicated that the proposed clarifying amendments, which are submitted herewith, appeared to overcome the outstanding rejections, but stated further search and consideration would be necessary.

Following the discussion with the Examiner, Claim 1 defines a content data transferring system which includes a set creating device. The set creating device categorizes a plurality of content data recorded on a first recording medium in accordance with a predetermined rule into a group of content data. The set creating device also correlates a recording medium identification information of a second recording medium, which is unique to the second recording medium, with the group and records this correlation. The system further includes a reproduction control information device which creates new reproduction

control information, for the group, based on the recording medium identification information and the correlation recorded by the set creating device. The new reproduction control information identifies content data recorded on the first recording medium that satisfy the predetermined rule and are categorized into the group. Additionally, a content transfer device is provided which controls a transfer (in response to a comparison of existing reproduction control information on the second recording medium with the new reproduction control information) of content data from the first recording medium to the second recording medium. The transferred content is that which are categorized into the group, satisfy the predetermined rule and are not recorded on the second recording medium. In other words, the transfer is based on a comparison of the existing reproduction control information and the new reproduction control information. It is respectfully submitted the art of record is deficient in disclosing or reasonably suggesting these features.

In particular, the art is deficient in disclosing or reasonably suggesting a correlation is established between recording medium identification information, which is unique to a second recording medium, and the claimed categorized group. Further, it is respectfully submitted that the art of record is deficient in describing the claimed transfer of content, which is based on a result of comparing the claimed existing reproduction control information with the claimed newly created reproduction control information (which is created based on the aforementioned correlation). Therefore, it is respectfully submitted Claim 1 recites features which are not disclosed or reasonably suggested by the art of record.

Although directed to a different statutory class and varying in scope, Claim 11 recites features which are also not disclosed or reasonably suggested by the art of record for substantially the same reasons as noted above regarding Claim 1. Therefore, it is respectfully submitted Claims 1 and 11 (and any claims dependent therefrom) are allowable over the cited references.

Further to the reasons noted above for Claim 1, it is respectfully submitted Claims 6 and 7 are further allowable over the art of record. In particular, Claim 6 requires that content data recorded onto the second recording medium, which is not indicated by the newly created reproduction control information, be deleted from the second recording medium. Claim 7 further states that once the content data is deleted from the second recording medium, a number of permissible record times for that content is incremented upon deletion of the content data from the second recording medium. It is respectfully submitted the cited art is deficient in disclosing or reasonably suggesting these features.

In particular, as noted in the Office Action on page 7, Utsumi merely describes a destruction of a key for decrypting content. There is no description of deleting content from a second recording medium based on newly created reproduction control information, as claimed.

Regarding Claim 7, Matsushima merely states that a content, which is checked in, is rendered unusable. Matsushima does not describe the content as being deleted, which is required by Claim 7 (i.e. Claim 6).

Although depending from different independent claims, it is respectfully submitted Claims 16 and 17 are also further allowable over the cited art for substantially similar reasons as noted above regarding Claims 6 and 7.

Consequently, in view of the present amendment and in light of the above comments, it is respectfully submitted this application is in condition for allowance. Should the Examiner disagree, the Examiner is encouraged to contact the undersigned to resolve any remaining issues. Otherwise, a timely Notice of Allowance is respectfully requested.

Respectfully submitted,

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Marc A. Robinson  
Registration No. 59,276